



Annual Report

2019

Annual Report

2019

Foreword



I begin my Foreword to the 2019 Annual Report by looking back at the previous edition, the *Special Edition 125*, which commemorated the HCCH's celebrations on the occasion of the Organisation's 125th Anniversary. It also recounted the HCCH's origins and the many achievements of the Organisation since its first Session in 1893.

As part of last year's Foreword, I reflected on the vision of Tobias Asser, the founder of the HCCH. I noted his ardent belief in the need for strong legal frameworks governing private cross-border interactions among people and businesses, developed and adopted through a multilateral mechanism that champions dialogue, discussion, negotiation and collaboration.

This mechanism was the HCCH, the enduring manifestation of Asser's vision, which the Organisation has carried forward since then.

2019 was no different – and yet it marked another, very special milestone: the finalisation and adoption of the *2019 Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters*.

This milestone is very special in more than one way. As early as 1862, Asser remarked, as part of his Inaugural Address as a newly appointed professor in Amsterdam, how fortunate those nations are that accept the principle of the mutual recognition of foreign judgments. Already at that early stage he foresaw the benefits that nations could gain from a simple, efficient, and predictable framework that supports the domestic recognition and enforcement of foreign judgments. A strong legal framework that supports international transactions and that raises the level of certainty in the context of international trade, commerce and investment.

In July 2019, the HCCH delivered on Asser's foresight, delivering what I like to call a true "gamechanger", by closing a significant gap in the tapestry of international instruments governing private cross-border interactions among people and businesses. The Judgments Convention is further evidence of the HCCH's pre-eminence in developing innovative, global and consensus-based solutions in private international law.

That the HCCH reached this point is to the merit of many and I thank all the experts, delegates and Chairs, who over many years banded together and, in a concerted and highly collaborative effort, crafted a strong framework that does Tobias Asser proud. I thank all my colleagues at the Permanent Bureau who, also for many years, tirelessly and with much ardour and dedication supported this process, culminating in the successful Diplomatic Session in June and July 2019 at which over 400 delegates finalised and adopted the Convention.

So, 2019 clearly was another busy and fruitful year for the HCCH – but not only because of the Judgments Convention. The HCCH also successfully advanced work on other topical issues, including the feasibility of establishing rules on international legal parentage, focussing specifically on legal parentage established as a result of international surrogacy arrangements, as well as the desirability and feasibility of further work on a draft Convention on Cooperation and Access to Justice for International Tourists. Additionally, the HCCH explored issues related to international transfer of maintenance funds and further addressed illicit practices in intercountry adoption. 2019 also marked the inaugural event of a new series, entitled *HCCH at|Bridged: Innovation in Cross-Border Litigation and Civil Procedure*. Furthermore, the HCCH continued to promote and improve the implementation of its Conventions through events, publications and work with Members and Contracting Parties. Last, but certainly not least, the HCCH further advanced the important work of strengthening its foundation by progressing its work on various good governance matters, including the development of new Rules of Procedure as well as a Framework for the establishment of new Regional Offices.

Against this rich and multi-faceted background of yet another productive year, it is my great pleasure and privilege to deliver this 2019 Annual Report. I trust you will find it informative and interesting.

Christophe Bernasconi
Secretary General
March 2020

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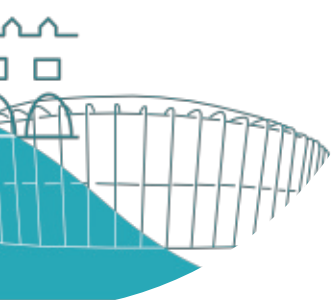
A New HCCH Convention:



After two decades of intensive work, the Judgments Project, which was originally established to develop an international instrument on both international jurisdiction and the recognition and enforcement of foreign judgments, reached its highpoint on 2 July 2019 when the Final Act of the 22nd Diplomatic Session of the HCCH (22nd Session), containing the agreed-upon text of the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (2019 Judgments Convention), was signed. A new Convention was adopted, the HCCH's 40th normative instrument in the Organisation's modern era. The adoption marked the completion of an important strategic priority of the HCCH (Strategic Priority 1.1 of the HCCH Strategic Plan 2019-2022).



The 2019 Judgments Convention



Why the 2019 Judgments Convention matters

The successful conclusion of the 2019 Judgments Convention fills an important gap in the landscape of private international law, benefiting individuals and companies alike. In the absence of a general global framework for the circulation of foreign judgments, the instrument lays down a set of commonly accepted rules and mechanisms pertaining to the recognition and enforcement of foreign judgments in civil or commercial matters. By defining the criteria for the recognition and enforcement of foreign judgments, and providing grounds for their refusal, the 2019 Judgments Convention aims at enhancing legal certainty and predictability. Overall, the rules and mechanisms should lead to shorter timeframes for the recognition and enforcement of judgments among those States that will become Parties to the instrument. It has thus the potential to reduce significantly transaction and litigation costs and risks associated with cross-border dealings. Moreover, it can also promote effective access to justice and facilitate rule-based international trade and investment as well as overall mobility. The 2019 Judgments Convention will be a true gamechanger in international dispute resolution.



The road to the adoption of the 2019 Judgments Convention

At its meeting in 2011, the Council on General Affairs and Policy (CGAP) mandated an Experts' Group to assess the possible merits of resuming the Judgments Project. Since then, the Project went through several important negotiation stages:

- in 2012, CGAP agreed to proceed with the Project, and established a Working Group to prepare proposals on the recognition and enforcement of judgments, including jurisdictional filters;
- between 2012 and 2015, the Working Group met five times, and at its fifth meeting in 2015, it completed its work towards the preparation of draft provisions for inclusion in the future convention on the recognition and enforcement of judgments in civil or commercial matters and prepared a Proposed Draft Text for consideration by a Special Commission;
- between 2016 and 2018, the Special Commission met four times (June 2016, February and November 2017, and May 2018). The text produced at the May 2018 meeting – the 2018 draft Convention – served as a basis for the deliberations at the 22nd Session of the HCCH;
- during the 22nd Session, which took place from 18 June to 2 July 2019, the final negotiations took place in the Building of the Hague Academy on the premises of the Peace Palace to conclude the Judgments Convention. More than 400 delegates, representing 81 States and observer organisations from around the world, attended the negotiations and the final ceremony.

Many important factors contributed to the successful negotiation of the 2019 Judgments Convention. All delegations were very committed both to the preparation of, and the participation in, the negotiations. They were well prepared and ready to actively shape the instrument's content.

A New HCCH Convention:



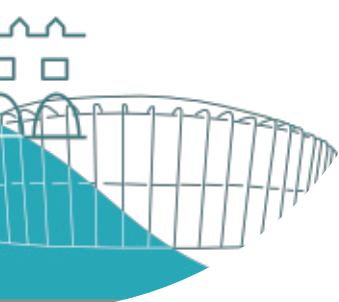
Some Members generously hosted intersessional meetings and facilitative discussions in the form of informal gatherings. For example, Hong Kong SAR, the People's Republic of China, organised and hosted Working Group meetings in 2014 and 2019. The Permanent Bureau (PB) worked closely with the authorities in Hong Kong in this regard, as it did with those in Canada, Israel and the European Union to organise informal meetings in the lead up to the finalisation of the negotiations. Moreover, the PB supported the chairs of all formal and informal Working Groups, the Special Commission as well as of the 22nd Session. Some of the support was logistical in nature; some was more substantive, benefitting the comprehensive and detailed work on issues such as intellectual property, anti-trust, privacy, common courts, judgments pertaining to governments, relationship with other international instruments, costs of proceedings, non-unified legal systems, general and final clauses, trusts, tenancy, submission, arbitration, and individual and collective employment contracts. In some instances, the PB's support also included the drafting, or coordinating the production, of comprehensive supporting documents, including on marine pollution and emergency towage and salvage, limitation periods for the enforcement of foreign judgments, common courts, the treatment of penalty orders imposed on the non-compliance with non-monetary judgments, anti-trust matters, intellectual property rights, and the Convention's potential application to privacy matters.

Over the course of the years, Members, including Italy, Japan, the Netherlands, Switzerland, the People's Republic of China and Romania, as well as the municipality of The Hague and Lipman Karas LLP, generously hosted social events during the meetings of the Working Group, the Special Commissions and the 22nd Session.

The final ceremony of the 22nd Session took place in the Peace Palace's Great Hall of Justice. The Minister of Foreign Affairs of the Kingdom of the Netherlands, His Excellency Mr Stef Blok, delivered a speech highlighting the importance of the Convention for international trade and investment. The Secretary General, Dr Christophe Bernasconi, reiterated that with the adoption of the 2019 Judgments Convention the focus would shift towards the promotion of the instrument. He invited all delegates to be "champions of the Convention" so that "the Convention is taken up by States. That it is implemented correctly. That it operates effectively." The Chair of the 22nd Session, Professor Paul Vlas, echoed this sentiment and reiterated that the fast, wide and effective uptake of the Convention by the international community is its next milestone for the HCCH. Signing the 2019 Judgments Convention during the closing ceremony on behalf of her country, the Ambassador of Uruguay emphasised that it was "an honour for Uruguay to be among the first countries in signing [...] this modern and innovative Convention that will fulfil a necessity that our globalised and interconnected world has been asking for."

The 2019 Judgments Convention

Twenty-Second Session
The Hague
18 June to 2 July 2019



The road to a wide and effective uptake of the 2019 Judgments Convention

Since the adoption of the 2019 Judgments Convention, the HCCH has been promoting the instrument. The Organisation produced a video that recounts the 22nd Session and discusses the benefits of the 2019 Judgments Convention. In addition to providing a unique memento of this milestone for the HCCH, the video allows the viewer to understand the processes leading up to the adoption of the Convention, while select experts explain why the instrument will matter greatly.



Video

Moreover, the Inaugural Conference, “2019 HCCH Judgments Convention: Global Enforcement of Civil and Commercial Judgments” took place in Hong Kong SAR, the People’s Republic of China, in September 2019. Over 200 local and international participants, including government officials, judges, practitioners and academics, successfully kicked off a future series of events on the 2019 Judgments Convention that will promote the instrument, highlighting its importance and usefulness to individual citizens and companies in cross-border dealings. More activities to promote the 2019 Judgments Convention will be organised in the years to come.



A New HCCH Convention:

Speech by Mr Stef Blok,
Minister of Foreign Affairs of the Kingdom of the Netherlands

Monsieur le Président, Excellences, Mesdames et Messieurs,

En tant que ministre des Affaires étrangères et représentant du Gouvernement du Royaume des Pays-Bas, je suis très honoré de m'adresser à vous à l'occasion de la Vingt-deuxième session de la Conférence de La Haye de droit international privé. La présente cérémonie est marquée par la signature de l'Acte final de cette Session, qui comprend le texte de la Convention de 2019 sur la reconnaissance et l'exécution des jugements étrangers en matière civile ou commerciale.

And now please allow me to continue in English. You've spent the last two weeks intensively negotiating this Convention. I'd like to thank you and the Permanent Bureau for your valuable work. This is a new addition to the important body of conventions adopted by the Hague Conference. The Hague Conference's mission is the progressive unification of the rules of private international law. The conventions bridge differences between members' legal systems in areas covered by private international law. This creates a high degree of legal security for individuals and companies. The Final Act with which a new instrument is added to the body of Hague Conference conventions re-affirms the value of the organisation and its mission. It enhances the legal certainty and predictability that is so important in international legal matters, especially in international trade and therefore our economy. It took a great deal of effort by you and your colleagues to arrive at today's result. As you know, over the past few years working groups and Special Commission meetings have been preparing the Convention on Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters. Delegates from all the Hague Conference members and representatives of the many observers lent their highly specialised legal expertise to the process of drafting the Final Act. Today I have the honour of signing it. And I'm pleased to do so. Because I'm certain that this Convention, by offering certainty and legal security in cross-border transactions and litigation, will have a positive economic effect for Hague Conference members. Not least, because it will inspire confidence in civil court judgments handed down in other member states. It's hard to imagine a world without the Hague Conference conventions. They have an impact on the daily lives of millions of people and offer solutions to the problems faced by many. So I'd like to stress again the importance of the Hague Conference's work. Every member should take pride in this organisation. The Netherlands is proud to have hosted the Conference since its founding in 1893. We're also proud to host the many other legal institutions that call The Hague home. The Hague Conference is special because it focuses on private international law and is vital to trade and commerce. It's also the oldest international organisation in the Netherlands. And of course I'm especially proud that a Dutchman, Tobias Asser, legal scholar and Nobel laureate, was closely involved in the history of this institution. We owe a big debt of gratitude to him and the many others who have made a contribution over the past 125 years. I'd like to close by expressing my appreciation and gratitude to everyone involved in drafting and finalising this important instrument. The process has taken many years and now, thanks to you all, it has yielded this result. I'd especially like to thank David Goddard. From the start of the negotiations he chaired the various Special Commission meetings, including the one which prepared the Convention for this twenty-second Diplomatic Session. I also like to thank the Secretary-General of the Hague Conference and the other members of the Permanent Bureau for their work, and Professor Paul Vlas for chairing this Diplomatic Session.

Je tiens à finir mon intervention comme je l'ai commencée : en français. Je forme le vœu que l'accord que vous avez finalisé aujourd'hui prenne rang parmi les plus précieux joyaux des Conventions de La Haye. S'il est le plus récent, je suis certain qu'il n'en sera pas le dernier.

Merci - Thank you!



Twenty-Second Session
The Hague
18 June to 2 July 2019

The 2019 Judgments Convention

Speech by Dr Christophe Bernasconi,
Secretary General of the HCCH

Dear Chair of the Session, Excellencies, Chairs of the Commissions, Delegates, Friends and Colleagues.

So, here we are. Fourteen days ago, we opened the Session. And now the Final Act is signed. We just witnessed the formal adoption of a new international treaty. Not just any treaty. The 40th global instrument developed by the HCCH in modern times: the Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters. We can be proud of what we have achieved. A Convention that clearly has the potential to be a true gamechanger. A Convention that offers one global framework providing certainty and predictability in relation to the global circulation of foreign judgments. An important gap in the landscape of private international law has finally been filled. We can be proud of the HCCH itself. The Organisation has delivered. It has shown that it can develop and adopt complex multilateral treaties which can make a real difference to many people globally. And it has shown that it can do so while pursuing universality, promoting inclusiveness, giving a true and effective meaning to consensus.

The HCCH – Connecting. Protecting. Cooperating: since 1893 – and for many years to come.

We can be proud of what we have achieved. And yet, when the Chair will close this 22nd Diplomatic Session in a short while from now, another chapter is opened, another type of work starts. Must start. We will move this new instrument from the HCCH's normative to the non-normative agenda. We will need to promote the Convention! We will need to make sure that the Convention is taken up by States. That it is implemented correctly. That it operates effectively. That it works for those for whom we created it: people, businesses around the globe. Not a small order, and certainly not one the Permanent Bureau can accomplish alone. Our collective achievement will not be measured by what has happened today. Our success will not be measured in form of a Final Act that features plenty of signatures. Our achievement will be judged by what is going to happen in the coming months and years. When will the instrument enter into force? How many States will have become Contracting States in, say, three, five years' time? Enough to plan or even hold a first Special Commission on the practical operation of the instrument? I have no answers to these questions today. But with my colleagues here in The Hague, in Buenos Aires and in Hong Kong, we at the Permanent Bureau will of course play our role in making sure that this Convention will be the gamechanger it clearly can be. That it will be taken up by many States around the world swiftly, so that more and more people and businesses will reap the benefits it promises.

Mais, une fois de plus, nous ne pouvons y arriver seuls. C'est pourquoi, Excellences, Mesdames et Messieurs, permettez-moi de saisir l'occasion qui m'est offerte aujourd'hui pour vous demander – à toutes et à tous ici présents – de nous aider dans cette entreprise. Chacune et chacun d'entre vous qui avez signé l'Acte final aujourd'hui : vous êtes toutes et tous des championnes et champions de la Convention ! En fait, je ne saurais penser à de meilleures ambassadrices ou de meilleurs ambassadeurs que vous pour promouvoir notre nouvel instrument, fruit de nos efforts collectifs ! Aussi, lorsque vous retournerez dans vos capitales, ministères, cabinets, ou bureaux, ayez recours à votre expérience et à vos connaissances, servez-vous de la force, de la puissance de ce que vous avez accompli ici pour donner à la Convention l'envergure et l'impact qu'elle est appelée à avoir.

Notre succès sera mesuré à l'aune de ce que nous réaliserons dès ce jour pour la Convention, au rythme des ratifications et adhésions qu'elle entraînera. Nous serons évalués à l'aune de son bon fonctionnement, des avantages réels que de nombreuses personnes et entreprises pourront en tirer dans le monde entier. Cela marquera la véritable réussite de cette Convention. Réunis ensemble ici dans cette salle à l'aura si significative, le jour même de la naissance de cette Convention, nous devons persister, poursuivre nos efforts collectifs afin d'en assurer son véritable succès. Bonne et longue vie à la Convention !

Je vous remercie.

A New HCCH Convention:

Speech by Professor Paul Vlas,
President of the Netherlands Standing Government Committee on Private
International Law

Excellencies, Ladies and Gentlemen,

As we just witnessed the birth of a new treaty, our work is done – and yet, there are no laurels to rest upon, we are just at the beginning. As the Secretary General convincingly pointed out, this Convention will only be as successful as it will be taken up by the international community. It will only assist in transactional and litigation planning effectively if the Convention is widely implemented. It will only make a real difference to the costs of cross-border litigation if the Convention's rules and mechanisms are available to large number of international actors. And it will only ever help people gain better access to justice globally if you here in the room not only adopt the Final Act, but upon your return home lobby your Ministers, your senior officials, to sign and implement the 2019 Convention on the Recognition and Enforcement of Judgments in Civil or Commercial Matters. Today, we celebrate our success. But this is only the first rung in the ladder of success for this new Convention. It is upon you to climb this ladder – rung by rung. You must build upon today's success – which is only the start of the real work which lies ahead, and which will transform this Convention into a successful Convention. This is your challenge for the years to come.

Excellencies, Ladies and Gentlemen, there is a long list of those to whom I wish to express my gratitude. I thank the government of the Kingdom of the Netherlands for its unwavering support for the important work of the HCCH and this Diplomatic Session. I thank my Vice-Chairs for assisting me so diligently and efficiently in discharging my role as Chair of this Session. I thank the Chair of the Commission, David Goddard, and his Vice-Chairs for managing the negotiations so wisely and professionally, allowing us to celebrate this success today. David, you chaired the meetings of the Commission with much wisdom, energy and humour. During all these years of preparation of this Convention, you stayed optimistic and showed great leadership in negotiations which were not always easy. Thank you very much for all your work! I also wish to thank Andrew Walter for chairing the Session's Commission on General Affairs and Policy. We all witnessed a smooth and flexible change of Chairs during this Diplomatic Session. I thank the Secretary General and the Permanent Bureau for their tireless efforts – also over many years leading up to this Diplomatic Session – without which today's success would be simply unthinkable. And I thank you, the delegates, you who came to The Hague from near and far to negotiate and adopt this new Convention. You were innovative. You found solutions. You were bold. You moved challenges out of our way. You compromised. You grabbed the once in a-lawyer's- generation opportunity. You were successful indeed. And with this it falls upon me to close officially the 22nd Diplomatic Session of the Hague Conference on Private International Law. I wish you all a safe return and invite you to join us for the Closing Reception which is hosted by the Kingdom of the Netherlands and which will take place in the Foyer of the Peace Palace, just outside the Great Hall.



The 2019 Judgments Convention

Twenty-Second Session
The Hague
18 June to 2 July 2019



Other

18-22 February

Regional Workshop on the practical implementation of the HCCH 1993 Adoption Convention for francophone countries
Abidjan (Côte d'Ivoire)

5-8 March

Meeting of the Council on General Affairs and Policy (CGAP)
The Hague

29 March

International Symposium on Family Mediation
Singapore

21-23 May

Meeting of the Working Group on Preventing and Addressing Illicit Practices in Intercountry Adoption
The Hague

28 May

Meeting of the Council of Diplomatic Representatives (CDR)
The Hague



JANUARY

FEBRUARY

MARCH

APRIL

MAY

JUNE

29 January - 1 February

Fifth meeting of the Experts' Group on the Parentage / Surrogacy Project
The Hague

2-3 April

African Regional Conference on the HCCH Children's Conventions
Cape Town (South Africa)

18 June - 2 July

Twenty-Second Session of the HCCH, leading to the adoption of the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (Judgments Convention)
The Hague

Highlights

16-18 September

Meeting of the Experts' Group on International Transfer of Maintenance Funds
The Hague

11 December

HCCH a|Bridged: Innovation in Cross-Border Litigation and Civil Procedure
Edition 2019: The HCCH Service Convention in the Era of Electronic and Information Technology
The Hague

9 September

Inaugural Global Conference - HCCH 2019 Judgments Convention: Global Enforcement of Civil and Commercial Judgments
Hong Kong SAR (People's Republic of China)

14-15 November

International Seminar on the Protection of Children on the Move and *Kafala*
Rabat (Morocco)



JULY

AUGUST

SEPTEMBER

OCTOBER

NOVEMBER

DECEMBER

3-6 September

Meeting of the Experts' Group on Co-operation and Access to Justice for International Tourists
The Hague

16-18 October

11th International Forum on the e-APP (electronic Apostille Programme)
Fortaleza (Brazil)

29 October - 1 November

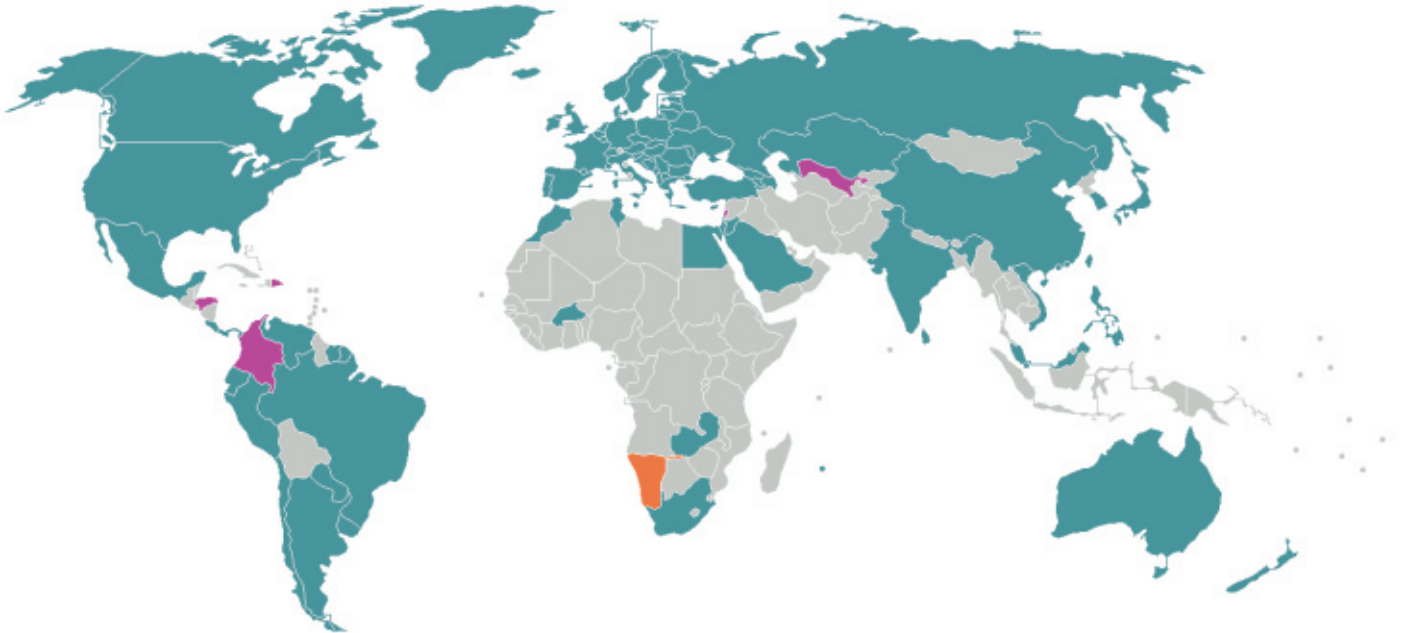
Sixth meeting of the Experts' Group on the Parentage / Surrogacy Project
The Hague

27 November

Technical roundtable on the operation of the HCCH 2015 Choice of Law Principles
Maputo (Mozambique)



Members



Members



Admitted States (the membership of Colombia, Dominican Republic, Honduras, Lebanon and Uzbekistan is currently subject to their acceptance of the Statute)



Candidate State (Namibia has applied for membership for which the six-month voting period is running (end of voting period: 10 April 2020))

Ratifications & Accessions



New Ratifications & Accessions to HCCH Conventions in 2019

 *Ratifications & Accessions in 2019*

 *Other Connected Parties*

* EIF: Entry into force in 2019

** EIF: Entry into force in 2020

1961 Apostille Convention

Palau **

1965 Service Convention

Nicaragua **

1970 Evidence Convention

Nicaragua *

1980 Child Abduction Convention

Barbados *

Guyana *

1993 Adoption Convention

Congo (Republic of the) **

Guyana *

Honduras *

1996 Child Protection Convention

Barbados **

Guyana *

Nicaragua *

2007 Child Support Convention

Guyana **

Nicaragua **

Facts



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New Members to the HCCH

1

New Accession
1965 Service Convention

1

New Accession
1961 Apostille Convention

2

New Accessions
1980 Child Abduction Convention



2+1

New Accessions | Ratification
1993 Adoption Convention

1

New Accession
1970 Evidence Convention

3

New Accessions
1996 Child Protection Convention

2

New Accessions
2007 Child Support Convention

Figures



1,347 ⇒ **1,593**
in 2018 in 2019

Number of followers
on Twitter

€ 145,000 of

monetary voluntary contributions
for the Permanent Bureau's
headquarters in The Hague

€ 150,000 of

monetary voluntary contributions
(mainly from the Government of
Hong Kong SAR and the People's
Republic of China) for the Permanent
Bureau's Regional Office for Asia and
the Pacific (ROAP)

4,105 ⇒ **4,622**
in 2018 in 2019

Number of fans
on Facebook

4,456 ⇒ **6,145**
in 2018 in 2019

Number of followers
on LinkedIn

€ 20,000 of

monetary voluntary contributions
(Government of Argentina) for
the Permanent Bureau's Regional Office
for Latin America and the Caribbean
(ROLAC)



A Year to Reflect:

Meetings of the Experts' Group on Parentage / Surrogacy Project

The Experts' Group on Parentage / Surrogacy held its fifth and sixth meetings in January and October 2019 respectively. Both meetings took place in The Hague.

The fifth meeting further explored the feasibility of establishing international rules on international legal parentage, focusing specifically on legal parentage established as a result of international surrogacy arrangements. The sixth meeting then proposed provisions for inclusion in two possible future instruments: a general private international law convention on the recognition of foreign judicial decisions on legal parentage, and a separate protocol on the recognition of foreign judicial decisions on legal parentage rendered as a result of international surrogacy arrangements.

The Experts' Group made significant progress in developing draft provisions for a proposed convention. It also acknowledged that if such a convention were to facilitate more fully the continuity of legal parentage, the instrument should address not only the establishment of legal parentage by judicial decisions, but also its establishment by operation of law as well as following an act of an individual. Moreover, it also made important progress regarding a proposed protocol. Many Experts emphasised again the central importance of including minimum standards or safeguards to protect the rights and welfare of the parties involved as well as the best interests of the child. In considering the structure of a proposed protocol, the Experts' Group discussed the possibility of including a mechanism for certifying the satisfaction of the agreed safeguards in order to obtain recognition as well as the possibility of applying such protocol to legal parentage not established by a judicial decision.

The Experts' Group has recommended that CGAP approve the continuation of its work with respect to a convention and a protocol. It also suggested a minimum further two meetings in order to be able to provide CGAP with a comprehensive report in March 2022. Based on this report, CGAP can then decide whether, and if so, how, to proceed with the project.



Parentage /
Surrogacy
Project

Legislative Work

Meeting of the Experts' Group on the Protection of Tourists

The Experts' Group on the Protection of Tourists held its second meeting in September 2019. Experts from 16 jurisdictions were in attendance. In line with the mandate given by CGAP, the Experts considered whether the HCCH could contribute solutions to any of the problems encountered by international tourists. They also discussed what those solutions could be, pondering the question of whether they should be legally binding or not. They benefitted from comments Members and stakeholders had submitted prior to the meeting as well as the first Consultant's Report, prepared for CGAP in 2019. Against this background, the Experts discussed possible definitions of "International Tourist / Visitor", considered quantitative and qualitative data pertaining to the challenges encountered by international tourists / visitors, and discussed whether the HCCH could contribute solutions to any of these problems. To deepen their analysis, the Experts decided to retain a further consultant. The selected Consultant undertook research pertaining to the applicability of existing HCCH Conventions as well as relevant international instruments, mapped out any additional essential principles that would be relevant to the protection of international tourists / visitors, and evaluated possible grounds of jurisdiction for matters relating to the protection of international tourists / visitors and their possible relevance to the Tourism Project of the HCCH in general. The Consultant's report, together with an update by the Chair of the Experts' Group, will inform CGAP's deliberations concerning the Tourism Project in 2020.



Tourism
Project

A Year to Reflect:

Regional workshop on the practical implementation of the 1993 Adoption Convention in Côte d'Ivoire

After the successful third francophone workshop on the practical implementation of the 1993 Convention in Burkina Faso in 2017, a fourth such workshop was held in Abidjan (Côte d'Ivoire) in February 2019. The event was supported by Belgium, Côte d'Ivoire and France. It aimed at exchanging experiences and good practices in the context of intercountry adoption in Benin, Burundi, Cabo Verde, Congo, Côte d'Ivoire, Guinea, Niger, Senegal, Togo, Belgium and France. The workshop's outcomes were very practical and included the need to: strengthen the capacity and stability of the actors involved in the adoption procedure, raise awareness among the population on the importance of the protection of children and the promotion of domestic adoption, prevent and address illicit practices, better regulate and control all costs involved in adoption, and address more comprehensively the post-

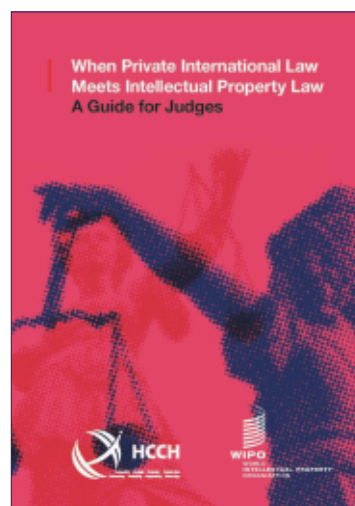
adoption period. The participants were also invited to establish a road map to determine priorities to be implemented in their States.



Adoption
Section

Approval and publication of the WIPO-HCCH Guide “When Private International Law meets Intellectual Property Law – A Guide for Judges”

At its meeting in March 2019, CGAP approved the publication entitled: “When Private International Law meets Intellectual Property Law – A Guide for Judges”, a guide prepared by Dr Annabelle Bennett (Australia) and Justice Sam Granata (Belgium). The Secretariats of the World Intellectual Property Organization (WIPO) and the HCCH coordinated its preparation, marking the first joint product of the two organisations. The Guide addresses the intersection of private international and intellectual property law. It is intended to be a practical tool that supports the work of judges and lawyers around the world, without being an exhaustive statement of the law in these areas. It is hoped that with it, stakeholders will be better placed to apply the laws of their own jurisdiction, supported by an increased awareness of key issues of private international law. Following its initial publication in English and French, the Guide will also be made available in all the official UN languages.



Guide

Non-Normative Work

Guide to Good Practice on the Use of Video-Link under the 1970 Evidence Convention

In June 2019, the Guide to Good Practice on the Use of Video-Link under the 1970 Evidence Convention was approved by the HCCH Members. It was developed by the PB with the assistance of the Experts' Group, which was chaired by The Honourable Chief Justice James Allsop AO of Australia. The Guide is intended to complement the Practical Handbook on the Operation of the Evidence Convention and suggests good practices to assist in addressing the legal, practical and technical considerations associated with the use of video-link technology in the taking of evidence abroad. The Guide is expected to be published in 2020, which will mark the 50th anniversary of the 1970 Evidence Convention.



**Evidence
Section**

Guide to Good Practice on Article 13(1)(b) of the 1980 Child Abduction Convention

In December 2019, the Guide to Good Practice on Article 13(1)(b) of the 1980 Child Abduction Convention was approved by the HCCH Members. The Guide was developed by the PB with the assistance of a Working Group chaired by The Honourable Diana Bryant, AO, QC. It is intended to assist mainly judges tasked with the application of the grave risk exception, one of the limited exceptions to the return of the child under the Convention. The Guide is anticipated to be published in 2020 which will mark the 40th anniversary of the 1980 Child Abduction Convention.



**Abduction
Section**

A Year to Reflect:

African Regional Conference on the HCCH Children's Conventions

Following successful HCCH-UNICEF regional workshops on the role of the HCCH Conventions in cross-border protection of children in Asia, a further such regional workshop took place in Cape Town, South Africa in April 2019. The workshop was jointly co-organised by the HCCH and the Faculty of Law of the University of the Western Cape, the International Academy of Family Lawyers, and Miller du Toit Cleote Inc. The participants, coming from 22 States, agreed to encourage States in Africa that have not already done so to examine the possibility of becoming Contracting Parties to the HCCH Children's Conventions. Moreover, participants encouraged States in Africa that are not already Members of the HCCH to explore the possibility of joining the Organisation, thus increasing the representation and voice of Africa within the HCCH. The participants also encouraged the PB to further engage in the African region.



Workshop event

Meeting of the Working Group on Preventing and Addressing Illicit Practices in Intercountry Adoption

In May 2019, the Working Group on Preventing and Addressing Illicit Practices in Intercountry Adoption met in The Hague to continue the development of a toolkit for States. Emphasising the importance of including the voices of adoptees in its work, the Working Group welcomed to the meeting one international association representing several adoptee groups. The Working Group made substantial progress in reviewing several elements of the proposed toolkit. This included the fact sheets on how to prevent and respond to specific illicit practices and enabling factors, a model procedure to respond to specific cases of illicit practices, and guidelines on the coordination to prevent and respond to patterns of illicit practices. The Working Group also recommended that the toolkit address how to respond to all cases of illicit practices, including those in non-Convention countries and those in Convention countries

that precede the entry into force of the 1993 Convention for those countries. The Working Group will continue its work with a view to seeking for the toolkit the consent of the Special Commission on the practical operation of the 1993 Adoption Convention, tentatively meeting in 2021.



Meeting

Non-Normative Work

Meeting of the Experts' Group on International Transfer of Maintenance Funds

Beneficiaries of child support and other forms of family maintenance are affected worldwide by the high costs associated with cross-border maintenance payments. This applies especially to payments by cheque, which are being accepted by fewer and fewer banks. Yet, alternative means of payments, such as electronic fund transfers, can equally remain expensive and often lack transparency in terms of costs. In September 2019, Experts met in The Hague to discuss issues pertaining to the international transfer of maintenance funds. They acknowledged that, eventually, eliminating the use of cheques was a worthwhile goal. Recognising the benefits of the monitoring of payments by authorities designated in accordance with international instruments such as the 2007 Child Support Convention, experts encouraged further work with a view to facilitating the international transfer of maintenance funds and decreasing the costs involved. This could involve the establishment of a centralised point for

international transfers by each State, as well as solutions involving a single financial institution acting as broker between all States involved.



Meeting

Technical roundtable on the operation of the 2015 Choice of Law Principles

In November 2019, in the context of the current contract law reform taking place in Mozambique, the PB participated in a technical roundtable organised by the World Bank Group in Maputo. The roundtable sought to discuss the implementation of the *Principles on Choice of Law in International Commercial Contracts*. This effort followed a range of promotional activities for the Principles, the text of which, including their Commentary, are now also available in Portuguese, in addition to English, French, Spanish and Korean. Furthermore, the 12 articles of the Principles have been translated into Serbian and Ukrainian. The PB has also contributed a paper, "A roadmap for the promotion of the HCCH Principles on Choice of Law in International Commercial Contracts", to an upcoming publication with publishing house Oxford University Press.



Choice of Law
in Contracts
Section

A Year to Reflect:

11th International Forum on the e-APP

October 2019 saw representatives of over 40 Contracting and non-Contracting Parties to the Apostille Convention gather in Fortaleza, Brazil, for the 11th International Forum on the electronic Apostille Programme (e-APP). It was the second Forum held in the Latin American region and was jointly organised by the PB, the Brazilian National Council of Justice (CNJ), the Brazilian Ministry of Foreign Affairs, the Association of Notaries and Registrars of Brazil (ANOREG), the Federal Council of the Notarial College of Brazil (CNB-CF), and the National Association of Registrars of Natural Persons of Brazil (ARPEN).

With over 350 experts in attendance, this was the largest meeting of the Forum to date, reinforcing increasing global interest in e-APP implementation, from both Contracting Parties to the Apostille Convention as well as States which are planning for accession. The progress that the e-APP has made over the last decade is testament to the fact that the text of the Convention is no barrier to technology and new technological developments serve only to carry the e-APP, and indeed the Convention itself, from strength to strength. The sessions spanned a broad range of topics, with the participants exploring how the versatility of the e-APP allows it to continue to thrive in many different regions across the globe and how both new and future Contracting Parties can best prepare for e-APP implementation. The participants also examined some of the novel practices Competent Authorities have adopted to address specific challenges and how technological developments, such as the growth of distributed ledger technologies, can continue to support and improve the secure and effective operation of both the Convention and the e-APP.

The outcomes suggested to explore the possible broader use of distributed ledger technologies, ways to promote the consistent interpretation and application of Article 1(3) of the Convention, as well as making more information available about the various practices of Contracting Parties.



e-APP Forum

Non-Normative Work

HCCH a|Bridged: Edition 2019

The inaugural HCCH a|Bridged event, held in The Hague in December 2019, focussed on the "HCCH Service Convention in the Era of Electronic and Information Technology". Speakers representing all continents presented in a variety of formats, including moderated and self-moderated panels as well as a series of individual talks that focused on specialised topics.

Participants confirmed a general interest in the use of electronic and information technology in the better operation of the 1965 Service Convention. There was strong support for the use of secure e-mail, and the exploration of a possible electronic platform for the transmission of requests abroad under the Service Convention. Other more recent technologies such as distributed ledger technology (DLT) were also explored. Questions pertaining to whether such technologies would comply with the Convention as well as the practical reality of what next steps Contracting Parties could take, were discussed in detail.

Videos of the sessions will be published online as part of the expansion of the HCCH audio-visual library and the speakers will contribute to a post-event publication. The outcomes will complement other HCCH projects, including the forthcoming Guide to Good Practice on the Use of Video-Link under the 1970 Evidence Convention, the questionnaires on the use of information technology under the Service and Evidence Conventions, and the next editions of the Practical Handbooks on the Operation of the Service and Evidence Conventions. Moreover, they will inform the work of the next meeting of the Special Commission on the practical operation of the Service, Evidence and Access to Justice Conventions. The inaugural HCCH a|Bridged laid the foundation for possible future editions focusing on innovation in cross-border litigation, civil procedure and dispute resolution.



Event

Governance

Meeting of the Council on General Affairs and Policy (CGAP)

The 2019 CGAP Meeting took place from 5 to 8 March 2019. Experts representing 70 Members, including one Member REIO, as well as observers from three non-Member States, three IGOs, and nine NGOs participated in the event. CGAP witnessed the proposal by the Government of the Kingdom of the Netherlands to admit the Republic of Honduras as a Member of the HCCH as well as Honduras' signing and ratification of the 1993 Adoption Convention. Moreover, it saw the signature and ratification by Portugal of the 2000 Protection of Adults Convention and welcomed the report that the Co-operative Republic of Guyana had deposited the instruments of accession to the 1993 Adoption Convention as well as the 2007 Child Support Convention. As always, CGAP received updates on, and considered, a wide range of issues relating to the HCCH's normative, non-normative and governance agenda. The ambitious work programme for 2019 is available on the HCCH's website.



Meeting of the Council of Diplomatic Representatives (CDR)

The 2019 meeting of the CDR took place on 28 May 2019. It approved the HCCH's Budget for the Financial Year 2019-2020, with a total Budget of € 4,226,654. Members commented positively on the new process that applied to developing the HCCH's Budget, remarking on the process' collaborative and proactive approach that saw consensus reached on issues more quickly and efficiently.

Governance

HCCH Strategic Plan

In March 2019, CGAP adopted the HCCH Strategic Plan 2019-2022. This Strategic Plan, which was the result of a systematic, Member-driven process under the chairmanship of Her Excellency Ms Maria Teresa De Jesus Infante Caffi, Ambassador of Chile to the Kingdom of the Netherlands, will ensure that the HCCH retains its pre-eminence in developing practical, global private international law solutions.



HCCH Rules of Procedure

Throughout 2019, the Working Group on the Rules of Procedure continued its work, meeting almost monthly to undertake the comprehensive review of the HCCH's existing Rules of Procedure. Chaired by His Excellency Mr Marcin Czepelak, Ambassador of Poland to the Kingdom of the Netherlands, the Working Group had in-depth discussions concerning the various procedures required to run the large range of meetings of the HCCH, including meetings of Diplomatic Sessions, Special Commissions, CGAP, CDR, but also of Working and Experts' Groups. The Working Group drew on the current rules and established practices and usages as well as the procedural rules of other international organisations and treaties to craft a comprehensive regulatory framework. In line with its mandate, the Working Group will submit the draft Rules of Procedure to CGAP in 2020. The completion of this work will mark an important milestone under Strategic Priority 4.1 of the HCCH Strategic Plan 2019-2022.



Our People

Team of the Permanent Bureau

(per 31 December 2019)

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Head of Finance / Senior Human Resources Officer

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Accountant

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Our People

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Ms Yoon Jung CHOI (*Judge, seconded to the Permanent Bureau (The Hague) from the Supreme Court of the Republic of Korea*)

Ms Myriam de HEMPTINNE (*Judge, seconded to the Permanent Bureau (The Hague) from the Ministry of Justice, Belgium*)

Ms Judy XIONG (*Lawyer, seconded to the Permanent Bureau (ROAP) from the Ministry of Foreign Affairs, People's Republic of China*)

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Mr Jean-Marc PELLET
iSupport Co-ordinator

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Ms Lindy CHRISTINE (United Kingdom)

Mr Stéphane GROSSIN (France)

Ms Regiane PEREIRA (Brazil)

Ms Sophie YATES (Australia)

Mr Yuze (Lewis) SHE (China)

Ms Olga KUBYK (Ukraine)

Mr Ivan-Axel DOUBRAVA (France)

Ms Kathryn GUNDERSEN (USA)

Mr Zihao (Xander) FAN (China)

Mr Kennosuke MURO (Japan)

Ms Janaina ALBUQUERQUE AZEVEDO GOMES (Brazil)

Ms Bianca Abrahami PINTO DA CUNHA (Portugal / Brazil / Canada)

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Ms Caroline MEIRE (France)

Ms Nusaybah MUTI (The Philippines)

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Ms Yukika KAMEYAMA (Japan)

Ms Synthia Julia BASTRON (Japan)

Mr Ichiro KUSAMA (Japan)

Mr Yun HE (China)

Ms Siyuan FU (China)

Ms Vera HE (China)

Mr Kelvin YU (China)

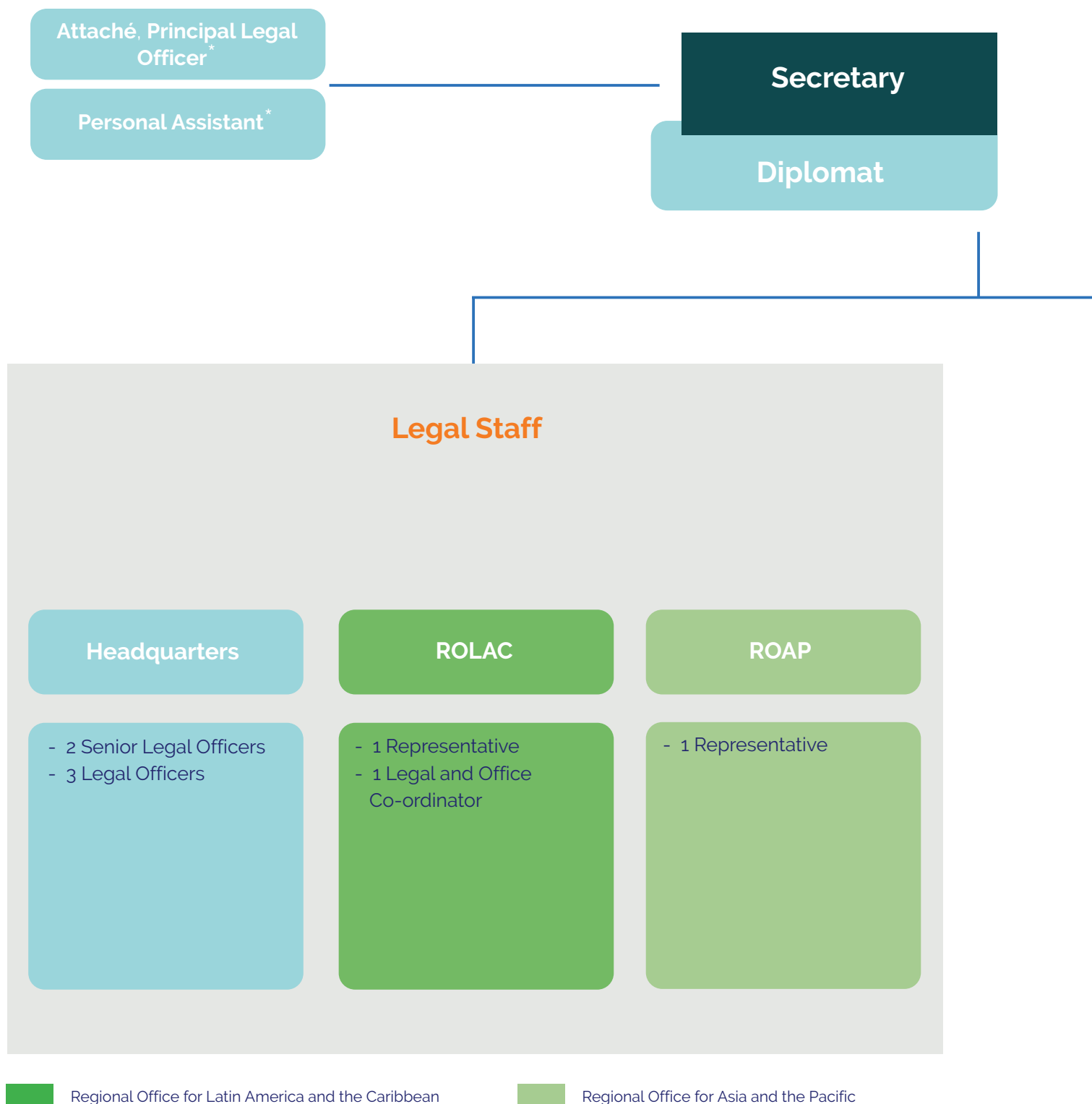
Ms CHEN Qiushi (China)

Mr CHEN Haomiao (China)

Ms PHAM Thi Trang Van (Japan)

Mr Canlas Jerome DAVID (Japan)

Organisational Chart



of the Permanent Bureau

General

Lawyers

Administrative Staff

Head of Administration*

Administrative Support

- 1 Administrative Officer
- 1 Senior Administrative Assistant
- 1 Administrative Assistant
- Project Officer
- General Services Officer

- Office Manager

Finance

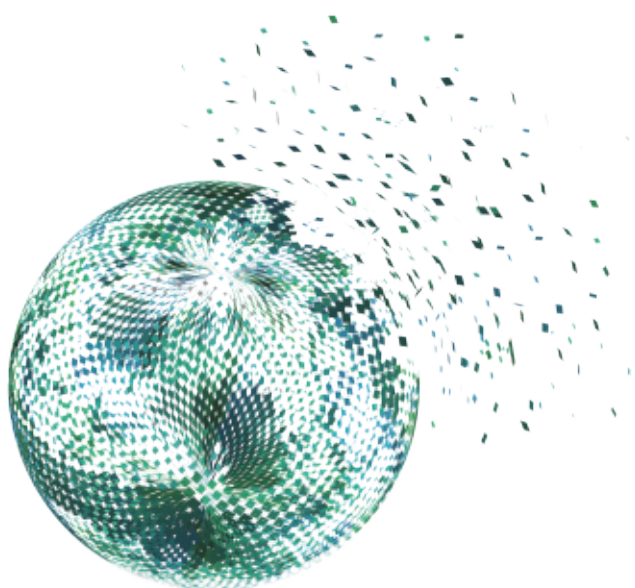
- Head of Finance / Senior Human Resources Officer*
- Finance / Human Resources Assistant

Communications / IT / IM

- Information Manager
- Website / IT Officer
- Graphic Designer / Publications Officer
- Translator / Reviser
- Translator / Reviser / Administrative Assistant

* Member of the Secretary General's Office

Interns, temporary staff, consultants and experts on secondment are not reflected in this chart.



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